



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Nineteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.648 of 2018

IN

CRL RC (MD) No.62 of 2018

MICHEAL AMIRTHAPANI

... PETITIONER/APELLANT

Vs

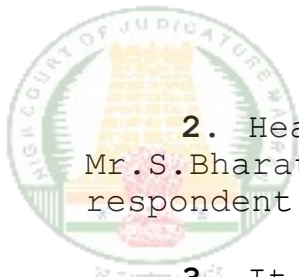
STATE THROUGH,
THE SUB INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.154 OF 2011.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence in Judgment dated 12.10.2017 made in Crl.A.No.5 of 2017 on the file of IV Additional Sessions Judge, Tirunelveli modifying the judgement made in C.C.No.199 of 2011 on the file of Judicial Magistrate, Cheranmahadevi, dated 11.01.2017, till the disposal of the Criminal Revision Petition and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.KRISHNAN, Advocate for the petitioner and of M/S.S.BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

The petitioner has been convicted in C.C.No.199 of 2011, by the learned Judicial Magistrate, Cheranmahadevi, on 11.01.2017, for the offence under Section 448 I.P.C. and sentenced to undergo one year rigorous imprisonment and also convicted for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1988 and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/- in default to undergo two months rigorous imprisonment. Challenging the conviction and sentence, the petitioner filed an appeal in Crl.A.No.5 of 2017 before the IV Additional Sessions Court, Tirunelveli and the said Court while setting aside the conviction and sentence imposed under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998 confirmed the conviction and sentence imposed under Section 448 I.P.C.



2. Heard Mr.S.Krishnan, learned counsel for the petitioner and Mr.S.Bharathi, learned Government Advocate (Criminal side) for the respondent.

3. It is seen that the petitioner/accused has been remanded to custody to undergo the sentence on 15.03.2018.

4. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
19/03/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



- 1 THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 4 THE SUB INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.S.KRISHNAN Advocate SR.No.4327

ORDER
IN
CRL MP (MD) No.648 of 2018
IN
CRL RC (MD) No.62 of 2018
Date :19/03/2018 (2/2)

PK/PN/SAR-4/19.03.2018 : 3P/8C